

EXHIBIT B



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH/SK/EMR/PP/MED
F. #2019R00927

*271 Cadman Plaza East
Brooklyn, New York 11201*

May 1, 2022

By E-Mail

Cesar DeCastro, Esq.
111 Fulton Street - 602
New York, NY 10038

Re: United States v. Genaro Garcia Luna
Criminal Docket No. 19-576 (BMC)

Dear Counsel:

The government writes in response to your April 15, 2022, letter requesting: (a) certain particulars regarding the charged crimes; and (b) materials favorable to the defense pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and Federal Rule of Criminal Procedure 5(f). We respond to your requests below:

I. Request for a Bill of Particulars

1. Alleged Bribes Paid to Mr. Garcia Luna: As set forth in the indictment, the government anticipates that the evidence at trial will establish that the defendant accepted millions of dollars in bribe payments from numerous members of the Sinaloa Cartel in exchange for abusing his public office and taking official acts in furtherance of the Sinaloa Cartel's drug trafficking activities. Details regarding these bribes, including the names of the individuals who paid these bribes, the amount of those bribes, and the official acts initiated by the defendant in exchange for those bribes, will be found in materials produced by the government pursuant to 18 U.S.C. § 3500. In order to facilitate your preparation for trial, the government will agree to review this Jencks Act material and identify those materials that can be produced to you well in advance of trial on a rolling basis for early disclosure, understanding that there is no legal authority requiring such advanced production. See, e.g., United States v. Morgan, 690 F. Supp. 2d 274, 285-86 (S.D.N.Y. 2010) ("Courts in this Circuit have consistently held that district courts lack the power to mandate early production of Jencks Act material. Similarly, courts in this Circuit have repeatedly refused to compel disclosure of impeachment or Giglio material well in advance of trial.").

2. Violation One – September 13, 2008: Evidence regarding this shipment of narcotics was produced to the defendant on February 21, 2020, and may be located at Bates numbers 00000023187-00000023217. All other information sought about this shipment, including any actions the defendant may have taken regarding it, will be contained in the government's production of Jencks Act material.
3. Violation Two – October 30, 2007: Evidence regarding this shipment was produced to the defendant on February 21, 2020, and may be located at Bates numbers 0000026353-0000026508. All other information sought about this shipment, including any actions the defendant may have taken regarding it, will be contained in the government's production of Jencks Act material.
4. Violation Three – March 18, 2007: Evidence regarding this shipment was produced to the defendant on February 21, 2020, and may be located at Bates numbers 000000023218-00000023663. All other information sought about this shipment, including any actions the defendant may have taken regarding it, will be contained in the government's production of Jencks Act material.
5. Violation Four – January 28, 2003: Evidence regarding this shipment was produced to the defendant on February 21, 2020, and may be located at Bates numbers 00000023713-00000023803. All other information sought about this shipment, including any actions the defendant may have taken regarding it, will be contained in the government's production of Jencks Act material.
6. Violation Five – August 16, 2002: Evidence regarding this shipment was produced to the defendant on February 21, 2020, and may be located at Bates numbers 00000023804-00000024004. All other information sought about this shipment, including any actions the defendant may have taken regarding it, will be contained in the government's production of Jencks Act material.
7. Violation Six – May 24, 2002: Evidence regarding this shipment was produced to the defendant on February 21, 2020, and may be located at Bates numbers 0000024005-00000024028. All other information sought about this shipment, including any actions the defendant may have taken regarding it, will be contained in the government's production of Jencks Act material.

II. Request for *Brady* and Rule 5(f) Materials

1. Request for Background Checks: The Prosecution Team does not possess any background checks conducted on the defendant in advance of any meetings with U.S. government officials. To the extent the Prosecution Team acquires such material, it will review those materials and comply with its discovery obligations.

2. List of All Individuals Interviewed by the Government: The government is not required to list every individual interviewed in connection with its investigation. See, e.g., United States v. Hollenbeck, Criminal Docket No. 15-49 (LJV) (JJM), 2015 WL 13746403, at *8 (W.D.N.Y. Dec. 15, 2015) (in the absence of Brady, “there is no requirement that the prosecution turn over the sum of its non-productive investigation activities to a defendant”); United States v. Mozer-Browne, Criminal Docket No. 06-444 (LMM), 2007 WL 1467428, at *1 (S.D.N.Y. May 16, 2007) (noting that in the absence of Brady there is no disclosure obligation for statements or lists of witnesses the government has interviewed but does not intend to call at trial).
3. Statements of Witnesses Who Denied Defendant was Involved in Conspiracy or Failed to Identify that Defendant was Involved: On March 1, 2021, the government produced notes of approximately 25 individuals pursuant to 18 U.S.C. § 3500, as well as its obligations under Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972). Today the government is disclosing additional materials to you by separate letter pursuant to Federal Rule of Criminal Procedure 16, 18 U.S.C. § 3500, Brady, and Giglio. The government will continue to review its files and produce any discoverable material pursuant to its various obligations.
4. Defendant’s Citizenship Application: Documents regarding the defendant’s citizenship application were produced on February 21, 2020, and may be located at Bates numbers 00000000265-00000000289. A certified copy of the defendant’s citizenship application was produced on February 11, 2022, and may be located at Bates numbers 0001081962-0001082053.

Please do not hesitate to contact us regarding any additional questions or requests.

Very truly yours,

BREON PEACE
United States Attorney

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